

Appl. No. 09/902,563
Amdt. Dated October 15, 2003
Reply to Office action of June 17, 2003

REMARKS/ARGUMENTS

By the present amendment, claims 1, 3 and 4 have been amended and claim 2 has been deleted rendering claims 1, 3 and 4 pending in the present application. The amendments to the claims have been made without prejudice and without acquiescing to any of the Examiner's objections. Applicant reserves the right to pursue any of the deleted subject matter in a further divisional, continuation or continuation-in-part application. No new matter has been entered by the present amendment and its entry is respectfully requested.

The Official Action dated June 17, 2003 has been carefully considered. It is believed that the amended specification and claims and the following comments represent a complete response to the Examiner's rejections and place the present application in condition for allowance. Reconsideration is respectfully requested.

35 USC §112, First Paragraph

(a) Enablement

The Examiner has objected to claim 1-4 under 35 USC §112, first paragraph, alleging that the specification does not reasonably provide enablement for a method of preventing or treating any graft rejection comprising administering any inhibitor of Fgl2 to an animal, wherein the inhibitor is any antibody that binds to Fgl2.

In order to expedite prosecution, Applicant has amended to claim 1 to specify that the inhibitor is an antibody that binds to human Fgl2 having the sequence shown in SEQ ID NO:2. Claim 1 has also been amended to specify that the graft is an intestinal transplant, a liver transplant or a heart transplant. We note that the Examiner has confirmed on page 3, paragraph 4 of the office action that the Levy Declaration filed on May 15, 2003 "provides the use of Fgl2 antibody to increase the survival of the cardiac allograft".

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In view of the foregoing, we respectfully request that the objection to claims under 35 USC §112, first paragraph as lacking enablement be withdrawn.

(b) Written Description

The Examiner has objected to claims 1-4 under 35 USC §112 , first paragraph as containing subject matter which was not described in the specification in such a way as to reasonable convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention claims for the same reasons set forth in the previous Office Action, paper No. 4, mailed 12/17/02.

In order to expedite prosecution, Applicant has amended claim 1 in order to specify that the Fgl2 inhibitor is an antibody binds to a human Fgl2 having a sequence shown in the SEQ ID NO:2.

In view of the foregoing, we respectfully request that the objection to claims under 35 USC §112, first paragraph for lacking written description be withdrawn.

Obviousness Type Double Patenting

Applicant confirms that a Terminal Disclaimer will be filed once it receives an indication that the present claims are in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency in fees (including any claim fees) or credit any overpayment to our Deposit Account No. 02-2095.

In view of the foregoing, we submit that the application is in order for allowance and an early indication to that effect would be greatly appreciated. Should the Examiner like to

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discuss the matter, he is kindly requested to contact Micheline Gravelle at 416-957-1682 at his convenience.

Respectfully submitted,

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Attachments

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